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**THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA  
PHOENIX DIVISION**

San Carlos Apache Tribe,  
  
Plaintiff.  
  
vs.  
  
United States Forest Service, *et al.*,  
  
Defendants.

NO. CV-21-00068-PHX-DWL  
  
**JOINT STATUS REPORT**

Pursuant to this Court’s Order (ECF No. 47), Plaintiff and Federal Defendants submit the following Joint Status Report concerning the Final Environmental Impact Statement (“FEIS”) and Draft Record of Decision (“DROD”) for the Resolution Copper Project and Land Exchange:<sup>1</sup>

As the Court is aware, the Forest Service has rescinded the challenged FEIS and DROD and the Land Exchange for the Resolution Copper Project will not go forward until the FEIS is re-published. Federal Defendants rescinded the FEIS and DROD “in order to reinitiate consultation with Tribes and ensure impacts have been fully analyzed.” ECF No. 36 at 1. Since the last Joint Status Report was filed on February 22, 2022, the Forest Service has continued to engage in government-to-government consultation with affected tribes. While the Forest Service does not presently have a deadline for the conclusion of consultation, the Forest Service estimates that government-to-government consultation will conclude in the next few months. The Parties have no additional updates to report at this time.

In accordance with the Court’s Order, Defendants will provide 60 days’ notice to Plaintiff’s counsel, the public, and this Court before any future FEIS and DROD for the subject Land Exchange and Project is issued. The Parties will provide another Joint Status Report in twelve weeks.

Submitted this 16th day of May, 2022,

TODD KIM  
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/s/ Tyler M. Alexander

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<sup>1</sup> Counsel for Resolution has stated to counsel for Plaintiff and Federal Defendants that Resolution does not concede that Federal Defendants had authority under the NDAA to rescind publication of the FEIS. Resolution is not a party to this status report.

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